

**REMARKS/ARGUMENTS**

The Office Action mailed September 22, 2004 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 39, 46, 55, 58, 65, 74, and 77-82 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 18, lines 9-22. The text of claims 40-45, 47-54, 56-57, 59-64, 66-73, and 75-76 is unchanged, but their meaning is changed because they depend from amended claims.

**The 35 U.S.C. § 112, Second Paragraph Rejection**

Claims 39-54, 58-73, 77, 78, 80 and 81 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This objection is respectfully traversed in part, and claims 39, 46, 55, 58, 65, 74, and 77-82 have also been amended to clear up the confusion. Applicant believes this confusion arises from the wording of the original claim implying that communication between the client and the server would be initiated only if an approve signal was received. However, the claims have been amended to make clear that the two-way communication that is initiated in the case of an approve signal is between the client system and the electronic communications network via the server. Applicant maintains that the claims are now clear and the rejection should be withdrawn. Furthermore, the Office Action asserts that one of ordinary skill in the art is hindered from determining the scope and how to use the system due to the claims' silence on what occurs in the case the "if not" condition holds.

Applicant maintains that it is not necessary to provide for instructions on how the system acts for all possible branches of the decision tree. The claims specify a certain action is to be performed in the case of an approval signal. In order for the claims to be anticipated by a reference, the reference therefore must teach that action being performed in the case of an approval signal. Applicant maintains it is not necessary to specifically recite what actions are undertaken if a rejection signal is received. However, Applicant believes that the confusion regarding the wording of the action to be performed may have lead to the confusion over the "if not" case, and thus Applicant respectfully submits that the amendments now place these claims in condition for allowance.

As to dependent claims 40-45, 47-54, 59-64, and 66-73, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

#### The 35 U.S.C. § 102 Rejection

Claims 39, 43-46, 50-52, 54, 65, 69-71, 73, 77, 78, 80 and 81 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Budow et al.<sup>1</sup>. This rejection is respectfully traversed.

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<sup>1</sup> U.S. Patent 5,661,517

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>2</sup>

Claims 39, 46, 55, 58, 65, 74, and 77-82 have been amended to make clear that the two-way communications are between the electronic communications network and the client system, via the server system. In contrast, the system in Budow does not provide communications between the electronic communications network and the client system via the server system. The only communications network described in Budow is between the client and the server. Therefore, two-way communications between the client and the communications network cannot be performed via the server system, as the server system is on the other side of the communications network from the client system. Additionally, there is no discussion anywhere in Budow of providing access to a communications network via the server system. The only communications described are between the client and the server only.

As to dependent claims 40-42, 47-49, 53, 66-68 and 72, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

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<sup>2</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The First 35 U.S.C. § 103 Rejection

Claims 40-42, 48, 49, 53, 55-57, 72, 74-76, 79 and 82 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Budow et al., among which claims 55, 74, 79 and 82 are independent claims. This rejection is respectfully traversed.

As to dependent claims 40-42, 48, 49, 53, 55-57, 72, 74-76, and 79, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

As to independent claim 82, the argument set forth above is also equally applicable here. Budow does not teach or suggest a means, inside a server system, for conducting communications between the client system and the electronic communications network.

The Second 35 U.S.C. § 103 Rejection

Claims 47 and 66 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Budow et al. in view of Lewis<sup>3</sup>. This rejection is respectfully traversed.

As to dependent claims 47 and 66, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

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<sup>3</sup> U.S. Patent 5,612,730

The Third 35 U.S.C. § 103 Rejection

Claims 58-64 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Budow et al. in view of Ahmad<sup>4</sup>, among which claim 58 is an independent claim. This rejection is respectfully traversed.

As to claim 58, the argument set forth above is equally applicable here. Budow does not teach or suggest client software configured to conduct two-way communications between the electronic communications network and the client system via the server system.

As to dependent claims 59-64, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

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<sup>4</sup> U.S. Patent 5,565,908

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: 12/2/04



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